THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2468 of 2007

Date: 12.02.2007

Between:

Hemalata Prakash Madey.

....Petitioner

And

The District Registrar, Visakhapatnam and another.

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2468 of 2007

O R D E R:

Petitioner states that he is the absolute owner and possessor of the land admeasuring 234.66 square yards in Survey No.77/10A4 of Vepagunta Village, Visakhapatnam. It is stated that he intended to sell the said land and in that process, approached the second respondent with a request to furnish the basic value of the property, to enable him to compute the stamp duty. The grievance of the petitioner is that the second respondent is not entertaining any document, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1]**.**

Once the sole basis for the second respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Indian Stamp Act and the Registration Act, in case the petitioner approaches him.

Hence, the Writ Petition is disposed of, directing the second respondent to receive and process the documents that may be presented by the petitioner; and take necessary steps, in accordance with the provisions of the Indian Stamp Act and the Registration Act. There shall be no order as to costs.

_____

12.02.2007

Note: Issue C.C. in one week.

(B/o)

JSU

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77